

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1 and 6-8.

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura (EP 1101760) in view of Goto et al. (US 5,362,704).

This rejection is respectfully traversed.

In the previous response, Applicants presented a Declaration under 37 C.F.R. § 1.132 to demonstrate that the combination of fentrazamide and pyrimisulfan produces unexpectedly superior results compared to the combination of fentrazamide with other herbicidal sulfonamides.

Page 5 of the Final Rejection asserts:

Applicants state that Experiments 21 and 22 show apparent synergistic effects. The examiner has analyzed synergy according to the Colby formula and calculated the expected range for Experiment 21 for Ec in Table 2. The calculated expected value according to the Colby formula was 16.3 whereas the showing was 10. In order to demonstrate synergy, the obtained value in Experiment 21 for Ec must be greater than 16.3. This is not the case and hence synergy has not been demonstrated. It is Applicant's burden to demonstrate synergy in relation to the Colby formula.

In reply, the Examiner's analysis of Experiment 21 for Ec is incorrect. The expected value of 16.3 indicated on page 5, line 7 of the Final Rejection would have been calculated as follows: $10 + 7 - (10 \times 7 / \underline{100}) = 16.3$. Please note that the range of the weed-controlling effect value is not from 0 to 100 but from 0 to 10 (see Table 1). Therefore, the expected value of Experiment 21 for Ec is $10.0 [10 + 7 - (10 \times 7 / \underline{10})]$.

Each of the expected values is shown in the bracket below.

No.	Active ingredient	Dosage (g/10 are)	Weed-controlling effect		
			Ec	Mo	Sc
21	A-1 + B	0.4+1.6	10 (10)	10 (10)	10 (10)
22		0.1 +0.4	8 (1.9)	10 (3.6)	9 (2.8)
23		0.2+0.1	5 (3.0)	8 (5.0)	7 (6.0)
24		0.4+0.1	6 (7.0)	10 (10)	9 (10)
25	A-2 + B	0.4+1.6	9 (10)	6 (6)	5 (5.2)
26	A-3 + B	0.4+1.6	10 (10)	4 (6.0)	6 (7.0)
27	A-4 + B	0.4+1.6	10 (10)	10 (8.8)	6 (6.4)
28		0.1 +0.4	2 (1.0)	5 (3.6)	3 (2.0)

Attention is directed to Experiments 21 and 22. Weed-controlling effects against all of the three weeds could be achieved by using the inventive composition even in a small dosage with the proviso that a mass ratio of the active ingredients is within the claimed range. In Experiment 22, the respective expected values according to the Colby formula demonstrate that the results are unexpected.

Compared with the results of Experiment 28 (combination of Goto et al.), the results obtained from the claimed composition are unexpected and remarkable.


In view of the foregoing, it is apparent that the Declaration of record adequately supports the unobviousness of the presently claimed herbicidal composition and method. Accordingly, the rejection on prior art is untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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